

# **TOWN OF COTTESLOE**



## **DEVELOPMENT SERVICES COMMITTEE**

# **MINUTES**

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 18 AUGUST 2008**



## DEVELOPMENT SERVICES COMMITTEE

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**DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6:03 pm.

Cr Greg Boland arrived at 6:07pm.

Mr Jackson introduced Ms Pauline Dyer as the new departmental secretary and the Mayor and Councillors welcomed Ms Dyer to the Town of Cottesloe.

**RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)****Present**

Cr Jo Dawkins	Presiding Member
Mayor Kevin Morgan	Deputy Member
Cr Jay Birnbrauer	
Cr Greg Boland	(joined at 6.07 pm)
Cr Ian Woodhill	
Cr Bryan Miller	Deputy Member
Mr Andrew Jackson	Manager Planning & Development Services
Mr Ed Drewett	Senior Planning Officer
Ms Pauline Dyer	Planning Services Secretary

**Apologies**

Cr Jack Walsh  
Cr Victor Strzina

**Leave of Absence (previously approved)**

Cr Jack Walsh  
Cr Victor Strzina

**RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**PUBLIC QUESTION TIME**

Nil

**APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Dawkins, seconded Cr Miller

**Cr Boland be granted leave of absence for the Development Services Committee meeting September.**

Carried 6/0

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Woodhill, seconded Cr Birnbrauer.

**The Minutes of the Ordinary Meeting of the Development Services Committee held on Monday, 21 July 2008 be confirmed.**

Carried 6/0

**ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**PUBLIC STATEMENT TIME**Item 1.1 – 18 Jarrad Street – Mr Nicholas Rea (owner)

Mr Rea advised that he is an established Cottesloe resident / community member and explained the reasons for his proposal as set out in the report / attachments. He emphasised that the verge tree is an immature specimen, that the new crossover would still meet the safety standard and that their objective is to use and secure the front yard rather than pave most of it. In referring to the officer recommendation Mr Rea sought Committee's support for the proposal.

Item 1.2 – 15 Salvado Street – Ms Diane Wainwright (applicant – RiverStone)

Ms Wainwright outlined the design aim to work with the site, including the rear setback, single crossover, solar access to the southern neighbour and proposed boundary fencing as the preference rather than all open-aspect. She also referred to liaison with both neighbours and officers to arrive at the revised proposal, and requested that Committee support the proposal.

**PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**REPORTS OF COMMITTEES AND OFFICERS****1 PLANNING****1.1 NO 18 (LOT 23) JARRAD STREET – DEMOLITION OF A SINGLE CARPORT AND CONSTRUCTION OF A DOUBLE CARPORT IN THE FRONT SETBACK AREA WITH NEW CROSSOVER AND BOUNDARY FENCING**

**File No:** 1466  
**Author:** Ed Drewett  
**Author Disclosure of Interest:** Nil  
**Report Date:** 11 August, 2008  
**Senior Officer:** Mr Andrew Jackson

**Property Owner:** Mr Nicholas Rea

**Applicant:** Mr Nicholas Rea  
**Date of Application:** 13 May 2008 (Revised 17 July 2008)

**Zoning:** Residential  
**Use:** P - A use that is permitted under this Scheme  
**Density:** R20  
**Lot Area:** 870m<sup>2</sup>  
**M.R.S. Reservation:** N/A

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**SUMMARY**

This site is located on the north-east corner of the Barsden/Jarrad Street intersection and comprises two strata lots with individual street frontages. Both strata lots have been developed for residential purposes.

The proposed orientation of the double carport perpendicular to the street requires a new crossover to be positioned in an undesirable location closer to the existing road intersection, the removal/relocation of a healthy street tree and relocation of a Main Roads WA traffic sign. It is therefore not recommended for approval due to traffic safety concerns and being contrary to orderly and proper planning.

**PROPOSAL**

This application proposes to demolish a single carport on the eastern side of the existing dwelling and construct a double carport within the front setback area with a new crossover perpendicular to Jarrad Street, replacing that existing.

A 1.8m high open-aspect fence is also proposed along the southern boundary with a small entrance gate and an iron panel lift door to the front of the carport. An existing solid wall along the western boundary is to be extended approximately 6m towards Jarrad Street with the remaining new section being 1.8m high and of an open-aspect design to match the proposed front fence. This replaces an existing low wall along both these frontages.

**STATUTORY ENVIRONMENT**

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes
- Council's Fencing local law

**POLICY IMPLICATIONS**

- Garages and Carports in the Front Setback Area Policy No 003

**HERITAGE LISTING**

N/A

**STRATEGIC IMPLICATIONS**

The proposed re-location of the existing crossover closer to the street intersection and the removal/relocation of a street tree and street sign may influence how the Town approaches similar requests for new carports/crossovers on corner locations.

**FINANCIAL IMPLICATIONS**

N/A.

**CONSULTATION**

REFERRAL

**Internal**

- Building
- Engineering

**External**

N/A.

ADVERTISING OF PROPOSAL

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2. The advertising consisted of a letter to the adjoining property owner at 20 Jarrad Street.

**Submissions**

No submissions were received. Consent from the strata owner (HN 18A) was forwarded separately to the Town by the applicant.

**BACKGROUND**

Following an assessment of the application, detailed discussions between Council staff and the applicant have taken place in an attempt to address the Town's concerns regarding the height of the proposed carport, the proximity of the proposed crossover to the Jarrad/Barsden Street intersection, the proposed removal/relocation of a verge tree, the relocation of a Main Roads WA street sign and relocation of a road side entry drain. An email was also sent to the applicant on 16 June 2008



summarising these issues and suggesting an alternative design whereby the existing crossover could be retained for use.

The Town subsequently received a letter and amended plans on 17 July 2008 from the applicant which address some of the initial concerns but does not satisfy all Council's requirements.

### **APPLICANT'S JUSTIFICATION**

The applicant has submitted the following comments in support of his application and amended plans:

- We have reviewed all options available with our architect and determined that the proposed location is the most ideal in terms of amenity and functionality;
- The height of the carport has been reduced in compliance with the R-Codes and the location adjusted so that the carport is set back at least 1.5m from both boundaries;
- A carport in the SE corner is not suitable as it would have to be located directly in front of the original entrance of the house;
- A carport in the proposed location but making use of the existing crossover with a sweeping driveway in front of the house would mean almost the entire front yard would be utilised for the carport or paved driveway. This would look less pleasant and is also much more difficult to secure with a gate;
- The revised plans have been designed to complement the Federation style of the house. The location of the carport and angle of carport roof have been deliberately chosen to match the pitch of the house;
- An open aspect fence, compliant with the Fencing Local Law will be built at the same time, complete with a gate in line with the original entrance of the house, emphasising the flow and aspect of the side entrance and verandah;
- Approval for a new crossover in line with the carport will be sought and the existing crossover and carport removed;
- A small 5 yr old melaleuka tree will either be relocated or a similar tree replanted nearby as it is in the path of the crossover;
- We have made contact with Main Roads WA about relocating the traffic signal sign on the verge and they will not object if the Council is in agreement with relocating it either side of the new crossover;
- Our neighbouring owners have been formally advised and have raised no objection;

- The proposed carport and fence will enhance the appearance of this property from both Jarrad and Barsden Streets and will be in-keeping with the streetscape;
- There are 3 other carport/garages built in the setback area on Jarrad Street and many more on Forrest Street.
- Much effort by the architect and liaison with Council has resulted in an improved planning application which we hope will be viewed favourably.

### **STAFF COMMENT**

The following comments are made regarding the application and the revised plans received 17 July 2008:

#### Boundary fencing/gate:

The proposed front and side boundary fencing is compliant with Council's Fencing local law. However, under the acceptable development standards of the Residential Design Codes (Clause 6.2.6 – A6), the fence is required to be truncated or reduced to no more than 0.75m within 1.5m of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

As the proposed fence does not comply with this requirement it is necessary for it to be considered under performance criteria of the Codes which requires that adequate sightlines be provided at vehicle access points. In this case, the fence will be of an open-aspect design within the truncation areas and the required visual sightlines will not be significantly affected. Furthermore, the moderately wide existing verges will ensure that the fence does not obstruct visual sightlines at the road intersection and it is therefore deemed to satisfy the relevant performance criteria.

#### Proposed double carport:

##### *Design:*

The proposed double carport has been designed to be in-keeping with the existing dwelling and will comprise lightweight timber posts with a terracotta tiled 22<sup>o</sup> hipped roof.

The height of the proposed carport has been reduced from 2.4m to 2.3m for the posts and from 4.4m to 3.9m to the apex which is consistent with Council's requirements.

##### *Location in the front setback:*

The proposed location of the double carport in the front setback area is supported as there appears to be no other feasible location on the lot to accommodate a double carport. The alternative would be only having additional car bays which may not be a desirable option from the owner's viewpoint.

The area where the existing carport is located is only approximately 5m in width which is insufficient for a double carport and would necessitate the structure being

built up to the neighbour's boundary due to the location of a covered verandah down the side of the dwelling.

There is also insufficient area available on the northern side (rear) of the dwelling for a double carport to be located and any crossover to this area from Barsden Street would most likely conflict with one of a row of large peppermint tree, listed on the Town's Municipal Inventory.

The carport has therefore been sited towards the SW corner of the lot with a 1.5m setback from the front boundary to avoid obstructing the existing steps to the front entrance and to provide some separation from the existing dwelling. However, a 3m setback is also proposed from the western (Barsden Street) boundary which locates the carport almost centrally in front of the dwelling. It has therefore been suggested to the applicant by the Town's staff that a 1.5m setback from the western boundary may be more appropriate as this would allow more of the dwelling to remain visible from the street whilst still complying with the R-Code requirement for the secondary street setback. Some existing trees on the site would need to be removed to facilitate the carport in either location.

#### *Relocation of existing crossover*

The original submitted plans proposed a 5.5m wide crossover aligned at right angles to the street directly in front of the proposed carport. This was not supported by the Town's staff as it necessitated the removal/relocation of a healthy verge tree, the relocation of a road side entry drain, the relocation of a Main Roads WA street sign and it would be located closer to the Barsden/Jarrad Street intersection resulting in traffic safety concerns.

The Manager, Engineering Services commented:

*Inspection on site confirm that the proposed new crossover site will be too close to the eastern edge of Barsden Street to be safe. Vehicles turning out of Barsden Street to the east would have to turn wide to use the crossover. Vehicles backing out would impede Barsden Street traffic turning left into Jarrad Street. The street tree is in prime condition and should not be interfered with.*

In response, the applicant submitted a revised plan showing the proposed crossover tapering from 5.5m to 3m to avoid the road side entry drain. Whilst this is considered an improvement from the original plan, it is less desirable than retaining the existing crossover and it still necessitates the removal/relocation of the street tree and Main Roads WA street sign.

#### *Removal/relocation of street tree*

The objective of Council's Street Tree Policy is to recognise the environmental and aesthetic contribution that street trees make to the continuing development and presentation of streetscapes. The policy also emphasises that tree removal must be seen as a last resort, used for dead and/or dangerous trees and that house alterations requiring crossover relocation does not justify tree removal.

Any disturbance to the existing verge tree due to its removal/relocation could potentially affect the health of the tree and may result in the need for its eventual replacement.

*Relocation of Main Roads WA street sign*

The existing street sign in front of the lot belongs to Main Roads WA and therefore requires that Department's approval before it can be relocated. The applicant has advised that Main Roads WA has no objection to the relocation of the sign providing it is supported by Council.

The sign provides a warning to motorists travelling east along Jarrad Street of the approaching traffic lights at the Curtin Avenue intersection. Altering the location of this sign is not considered necessary or desirable in this case as the existing crossover could be utilised.

**Conclusion**

Whilst there is no objection in principle to supporting the proposed boundary fencing and a double carport in the front setback to replace the existing single carport, it is considered preferable from a planning viewpoint for the carport to be designed parallel to Jarrad Street, with a minimum setback of 1.5m to the piers/columns from the primary and secondary street frontages and with access being retained via the existing crossover. This would also be a better outcome from a traffic safety viewpoint and it avoids the necessity to remove/relocate the existing street tree and Main Roads WA sign.

Additional soft landscaping could be provided within the lot along the southern boundary to reduce the visual impact of the carport on the streetscape and the proposed boundary fence and gate location could be modified to provide a reasonable level of access and security for the occupants.

**VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee held mixed views about the proposal, including that the tree could be relocated or replaced, that the relocated crossover could compromise safety but may be manageable, that the proposed carport would block the dwelling and may be better positioned, and that the access to and use of the front yard could be designed differently.

Mr Jackson elaborated that the proposal while relatively minor is seeking the basic concession of a carport in the front setback area, together with concessions in terms of the crossover, tree and sign. Although the objectives of the proposal can be appreciated and the streetscape contains a number of similar forward carports, it was assessed that the existing access could be used and the verge retained intact, hence in this instance the recommendation of refusal. However, the policy gives Council discretion to consider the proposal and Council can condition an approval, or alternatively the proposal could be redesigned.

In this regard Mr Jackson had available both conditions for an approval of the proposal and the wording for a deferral. Were the proposal approved the recommended conditions would be:

- (1) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13: Construction sites.
- (2) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
- (3) Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
- (4) The applicant applying to the Town of Cottesloe for approval to construct a crossover in the location shown on the approved plans received on 17 July 2008, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
- (5) The existing redundant crossover in Jarrad Street being removed and the verge, kerb and all surfaces being made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (6) The existing street tree affected being relocated to the position shown on the approved plans received on 17 July 2008, or replaced with a tree of a suitable species and size in that relocated position; and in the event that the relocated tree does not survive it shall be replaced with a tree of a suitable species and size in that relocated position; all to the satisfaction of the Manager Engineering Services.
- (7) The approval of Main Roads Western Australia for the relocation of the traffic sign in Jarrad Street prior to issue of the Building Licence.

Were the proposal deferred the recommendation would be:

That the application be deferred for revised plans using the existing crossover and with the carport designed for cars to park parallel to the front boundary, and that the revised proposal be referred to the Manager Development Services for determination under delegation where assessed as consistent with the relevant policy and provisions of TPS2 and the RDC.

#### **OFFICER RECOMMENDATION**

1. That Council REFUSE its Approval to Commence Development for a double carport in the front setback area with a new crossover and boundary fencing at No 18 (Lot 23) Jarrad Street, Cottesloe in accordance with the amended plans submitted on 17 July 2008 for the following reasons:
  - (a) The proximity of the proposed crossover to the Barsden/Jarrad Street intersection and the requirement to relocate a Main Roads WA traffic

sign raises additional traffic safety concerns and is less desirable than if the existing crossover were retained; and

- (b) The proposed removal/relocation of the street tree to allow for the new crossover is contrary to Council's Street Tree Policy, can be avoided and would set an undesirable precedent for other similar development proposals.
2. That the applicant be INVITED to submit a separate application for Approval to Commence Development for a double carport in the front setback area with access via the existing crossover and the proposed boundary fencing/gate being modified accordingly.

### **1.1 COMMITTEE RECOMMENDATION**

**That the application be deferred for revised plans using the existing crossover and with the carport designed for cars to park parallel to the front boundary, and that the revised proposal be referred to the Manager Development Services for determination under delegation, where assessed as consistent with Council's Policy Garages & Carports in Front Setback Area and the provisions of Town Planning Scheme No. 2 and the Residential Design Codes.**

Carried 4/2

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**1.2 NO. 15 (LOT 54) SALVADO STREET – PAIR OF TWO-STOREY DWELLINGS WITH UNDERCROFTS, EACH WITH SWIMMING POOL AND STREET BOUNDARY FENCING**

<b>File No:</b>	<b>1461</b>
<b>Author:</b>	<b>Mr Andrew Jackson</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Report Date:</b>	<b>14 August 2008</b>
<b>Senior Officer:</b>	<b>Mr Andrew Jackson</b>
<b>Property Owner:</b>	<b>Annita Brunton &amp; Brad Mellen</b>
<b>Applicant:</b>	<b>Riverstone Construction Company</b>
<b>Date of Application:</b>	<b>1 May, 2008 / Revised Plans 11 July 2008</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>P - A use that is permitted under this Scheme</b>
<b>Density:</b>	<b>R30</b>
<b>Lot Area:</b>	<b>610m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>N/A</b>

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**SUMMARY**

Demolition of an existing two-storey dwelling and construction of a pair of two-storey dwellings with undercrofts, a swimming pool each and street boundary fencing is proposed.

The initial proposal was considered to be too ambitious and non-compliant. The applicant's representative and designer have liaised with officers to evolve the proposal and prepared revised plans to achieve a reasonable design response to the site, albeit seeking certain variations. This remains premised on the preferred lot configuration and design brief for the clients, who to date have not taken part in discussions with the Town.

This has resulted in an improved detailed design. The pavilion-type dwellings, roof forms, articulation of the facades, materials and fencing treatment all help to manage the mass of the dwellings. The topography, wide verge to Salvado Street and street trees/vegetation (provided preserved) give the proposal a setting.

The applicant has submitted some rationale for the main variations sought by the proposal (see attachments), yet not a thorough explanation/justification of all the variations contained in the design. In short the points include:

- *Cone of Vision – overlooking to the western property is within the cone of vision but will not affect privacy due to the difference in levels of the respective sites and dwellings. Overlooking to the north-west to No. 9 Avonmore Terrace will be reduced from the existing situation.*
- *Street Setback – promotes the 4m setback to Avonmore Terrace as permitted by the RDC, as reflective of the southern adjacent dwelling and other dwellings in the street/district, as enabling the undercroft design, and as affording views and sun to No. 9.*
- *Street boundary fencing – requests the solid portion for privacy to the pool, noting that the design provides for planting to soften the wall and that the RDC support the need for privacy.*

Given the assessment that has been undertaken the recommendation is to approve the application with relevant conditions. However, were the design concept, built form and nature/degree of variations considered by Committee/Council to be undesirable, the alternatives would be to defer the application for further revision and possible referral to the Design Advisory Panel, or to refuse the application for appropriate reasons that can be sustained.

## **PROPOSAL**

The proposal is for a pair of two-storey dwellings with undercrofts, built side-by-side on an east-west orientation in order to capture views. The front doors face Avonmore Terrace. The west-facing undercroft garages avoid facing either street due to a common driveway off Salvado Street. The dwellings are of similar size with individual internal layouts.

The northern dwelling has a secondary street frontage to Salvado Street and a northern aspect. In the undercroft are a three-car garage, store, laundry, lift machine room and cellar. On the ground floor are two terraces, lounge, study, two bedrooms, bath and WC. On the upper floor are two balconies, outdoor kitchen, pantry, living/dining/kitchen, powder, ensuite, Bed 1 and WIR. Stairs and a lift link all three levels.

The southern dwelling has a three car garage, store, cellar and lift machine room in its undercroft. On the ground floor is a terrace, two bedrooms, lounge, bath, WC, laundry and study. On the upper floor is living/dining, kitchen, ensuite, Bed 1, WIR, pantry and balcony. Stairs and a lift link all three levels.

Boundary fencing is proposed to Salvado Street and Avonmore Terrace, part solid and part open-aspect to Avonmore Terrace (primary frontage) and all solid to Salvado Street (secondary frontage). There is a swimming pool to each dwelling, one to the north-east corner and the other to the southern boundary.

### Proposed Subdivision

The R30 lot can accommodate two dwellings and is the subject of a subdivision application. A green-title subdivision is intended with a shared driveway to the undercrofts. The dwellings have adjoining walls to the central dividing boundary. The subdivision has been conditionally supported by the Town as follows:

- 5. Reciprocal rights of access being granted over the proposed 4m wide vehicular access, as indicated on the subdivision plan.*
- 6. The applicant obtaining prior Approval to Commence Development from the Town for a single dwelling on each of the proposed lots, in accordance with the requirements of the Residential Design Codes for small lots.*

*With respect to condition 6, it is advised that the Town is currently assessing a development application which is premised on the subdivision, however, as it cannot be presumed that planning approval will be granted, and as the subdivision design is tied to the proposed development, the condition is appropriate to ensure proper coordination of these approval processes.*



Officers will liaise again with the DPI on the subdivision once Council's position on the development application is known.

### STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

### POLICY IMPLICATIONS

- N/A

### HERITAGE LISTING

- State Register of Heritage Places N/A
- TPS2 N/A
- Draft Heritage Strategy Report N/A
- Municipal Inventory Category 6
- National Trust N/A

### APPLICATION ASSESSMENT

#### AREAS OF NON-COMPLIANCE

#### Council Resolution TP128a Oct 02

Required	Provided
6m front setback without averaging.	4m front setback.

#### Fencing Local Law

Required	Provided
Maximum 900mm high solid then open-aspect to 1800mm high.	Solid high sections to front setback area.

#### Residential Design Codes

Refer below.

### STRATEGIC IMPLICATIONS

N/A.

### FINANCIAL IMPLICATIONS

N/A.

### CONSULTATION

Internal referral to Building and Engineering. No external referral necessary.

The application was advertised in accordance with TPS2 and the RDC by three letters to adjoining property owners. Two submissions were received from Mrs June Bedells of 1/13 Salvado Street to the west (see attachments), as follows:

1<sup>st</sup> letter received 9 June 2008 – expressed concern:

- *The proposed western balcony to U15a would overlook her only outdoor area, unless screened effectively as at present by the boundary wall and trellis with creeper.*
- *The outdoor kitchen/BBQ area to U15b could cause impacts re noise and fumes.*
- *Any proposed windows which may affect her privacy should be amended.*

2<sup>nd</sup> letter received 18 July 2008 on revised plans – expressed objection:

- *Reiterates concern about outdoor kitchen/BBQ area.*
- *Concerned that requiring a 6m setback to Avonmore Terrace might bring the building closer to her boundary causing noise and privacy impacts.*

#### Officer Comment

- The existing dwelling demonstrates these interrelationships, as it has an outdoor living terrace above the garage that extends almost to the western boundary and which is well-screened by a high boundary dividing wall with trellis and dense creeper cover for privacy.
- There are no specific planning regulations about the use of private open spaces and the proposed terraces/balconies are setback a few metres more than that existing, which should aid in noise etc control.
- The privacy assessment below responds further to these points.

#### **OFFICER COMMENT**

##### Heritage

The existing two-storey dwelling is listed as a Category 6 on the Municipal Inventory as a modern-era example. The Town's Heritage Advisor has raised no objection to the demolition subject to a photographic record, covered by a condition.

##### Lot & Building Orientation

The design has the primary setback to Avonmore Terrace which the front doors face and the secondary setback to Salvado Street. This arrangement makes sense in terms of Avonmore Terrace having a narrower verge with the greater building setback and Salvado Street having a wider verge with the lesser building setback. The undercroft and driveway create a setback to the west.

The lot/building orientation is proposed to capture views, create the undercroft and address the streets as designed. This exploits a western outlook rather than full northern exposure in relation to ideal design for climate.

In relation to built form and height it generates a projecting building envelope increasing in bulk and scale from east to west. While the eastern two-storey elevation is lessened by being lower than Avonmore Terrace, the western elevation is made more dominant as a two-storey plus undercroft (ie three-level) interface with a strong presence. The width of two, joined dwellings tends to emphasise this effect, although the broken-up appearance of the structure does help to soften that. The northern elevation similarly increases to the west.

There are two levels of terraces/balconies (four in all) and numerous large viewing windows to the western façade looking westward to the ocean and over the adjoining properties.

If stating afresh potential design options would include north-south orientation; one dwelling facing each street; buildings stepped down the slope; or even one dwelling atop the other (multiple dwellings); and so on.

#### Natural Ground Level

The four-corner method was used as the centre of the site is built-over and has been modified. A NGL of RL25.58m has been determined for the entire lot as there is negligible difference between the centre points of the proposed lots which have a similar east-west downwards slope.

#### Building Height

The initial plans exceeded the height requirements but upon the advice of officers the revised plans comply with TPS2 in relation to NGL for walls, roofs and the undercroft. The applicant has stated that the existing dwelling is higher than that proposed.

#### Streetscape & Urban Design Appreciation

The proposal will alter the Salvado Street and Avonmore Terrace streetscapes by removal of the existing dwelling and replacement with a pair of dwellings. As the existing dwelling is a contemporary two-storey design the new modern dwellings will likewise be consistent with the surrounds.

The footprint and mass of built form will change due to the two rather than one dwelling, however, this is in accordance with the R30 density which allows two grouped dwellings (strata title) or single dwellings (green title, as proposed). Moreover, by designing the two dwellings with central boundary walls and a combination of pavilion and concealed roof forms, at a glance the development appears as one structure occupying a corner site as if it were a large dwelling, which could be permitted in any case. As mentioned, the topography, verges and trees assist to manage mass, however, the vegetation could be affected by development works so will need to be protected or rehabilitated if it is to be relied upon.

The existing dwelling has setbacks of 6m to Salvado Street and 3m to Avonmore Terrace. The proposal in reorienting the dwellings entails a primary 4m setback to Avonmore Terrace and secondary 1.5m setback to Salvado Street. Such setbacks are typical of smaller lots and allowed under the RDC.

While increased building is being introduced the design does ameliorate bulk by tucking-away the garages in the undercroft level, which is preferable to garages governing the streetscape, and in requiring only one crossover, which is well-positioned away from the intersection and curved to retain the verge trees.

South Cottesloe features a diversity of dwellings with undercrofts or of large scale, including several prominent apartment buildings in the vicinity. Both Salvado Street

and Avonmore Terrace are characterised by town houses and flats/apartments of considerable mass.

In this overall context the proposal may be seen to be in keeping with the general character of the locality.

#### Front Setback

The dwellings have a 4m setback from the Avonmore Terrace front boundary. This is in accordance with the RDC but a departure from Council's resolution in favour of 6m.

No. 9 Salvado Street adjacent on the south has a 4.5m front setback and south of that 16 Beach Street has a secondary street setback to Avonmore Terrace of 1m and a small portion to the boundary.

In recent times Council has supported particular 4m or thereabouts front setbacks where the streetscape, built form and amenity considerations have been assessed as acceptable, especially in medium density areas such as South Cottesloe. Examples include No. 12 Salvado Street diagonally opposite, the Marine Parade/Princes Street corner subdivided and redeveloped and Overton Gardens.

It is assessed that the 4m front setback can be supported as compatible with the streetscape.

#### Side Boundary Setbacks

In summary the revised plans have side setbacks at all levels which exceed minimum requirements in most cases, which is a positive. The exceptions are as follows:

##### House 1

- South ground-level terrace – built to boundary with screen wall.
- South upper level balcony/pantry wall – 2.1m required and 1.93m proposed.

##### House 2

- West upper-level balcony – 7.5m required and 4.25m proposed.

It is assessed that the terrace to the boundary can be supported subject to adequate screening. The other two variations are quite minor and of no real consequence in themselves when assessed on performance so can be supported.

It is noted that no objection has been made to these setbacks per se.

#### Privacy

The privacy concern of the western neighbour is acknowledged, however, the privacy regime and detail needs to be appreciated. Dwellings along the ridgeline fundamentally look over or across other dwellings below to the ocean, rather than overlook directly or down, depending on design treatments for privacy.

The existing and proposed dwellings do this due to being elevated above No. 13 Salvado Street, which together with Nos 9 & 11 comprise of single-storey with undercroft dwellings with a series of roof planes substantially below the level of the site. In this way sightlines into the western property are limited and can be controlled by screening as at present.

The RDC performance criteria give guidance in this respect:

*Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:*

- *The positioning of windows to habitable rooms on the development site and the adjoining property.*
- *The provision of effective screening.*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or*
- *Areas visible from the street.*

In summary, whilst the western face of the proposed dwellings represent a privacy variation, the levels differences, location of adjacent windows/outdoor areas and provision of screening can address these considerations in relation to both the western and southern adjacent properties and a condition refers.

#### Street Boundary Fencing

To satisfy the basic requirements of the Fencing Local Law fencing within a front setback area is to be solid to a maximum of 900mm and open-aspect above (at minimum 50% open) to a maximum height of 1.8m.

The proposal has suitable open-aspect fencing across three-quarters of the primary street frontage to Avonmore Terrace, then solid fencing for the balance and along half the secondary street frontage to Salvado Street, which is then open to the building and driveway. It is noted that fencing beyond the Avonmore Terrace front setback along Salvado Street is allowed to be solid. The applicant's letter explains the desire for privacy to the pool in the NE corner.

The design is essentially in compliance with the Fencing Local Law specifications for height of solid and open sections plus piers. The stepped effect along each frontage diminishes the massing, as does the indented detail of the corner solid portion. The topography and the verges with their trees and vegetation mean that the fencing/walling would be visually absorbed or balanced against the backdrop of the two-storey dwellings.

In considering the proposed solid corner section the Fencing Local Law provides for Council to exercise discretion having regard criteria as to whether the fence affects:

- a) *the safe or convenient use of land;*
- b) *the safety or convenience of any person; and*
- c) *the impact of the fence on the streetscape.*

In this regard the proposed solid section could be assessed as assisting safety and convenience by way of privacy and security. On the other hand open-aspect fencing would afford better surveillance. There are also the rear private terrace and balcony

so the front yard is not the sole outdoor private open space. In addition, the vegetated verges give a good degree of separation and privacy screening from the public realm, and these streets are not particularly busy.

It is assessed that open-aspect fencing is preferred and feasible, subject to a design to meet the swimming pool barrier standard AS 1926.1. The entry gates should also be open-aspect design. A condition refers.

#### Overshadowing

The proposal meets the requirement of the RDC as it overshadows some 23.5% of the adjacent site whereas 35% is allowed in an R30 area.

#### Open Space

The site open space slightly exceeds the 45% required by the RDC as acceptable in an R30 area calculated over the whole lot.

#### Outdoor Living Areas

More than adequate outdoor living space is provided by way of the various roofed balconies, terraces and purpose-designed open-air yards with the pools, paving and landscaping. This is assessed as performing acceptably for such smaller-lot designs.

### **CONCLUSION**

It is concluded that the proposal is a fairly reasonable design approach to the site given the substantial slope, opportunity for views and constraints of the streets. It creates two dwellings as allowed and in so doing complies or performs satisfactorily with a number of key requirements. The setback variations can be supported. Privacy is manageable with special condition. Despite all this, the visual bulk and scale outcome could be an overriding concern in the streetscape and landscape contexts, which Council would be entitled to require further consideration of.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee acknowledged the essential compliance and positive aspects of the proposal and that the 4m setback to Avonmore Terrace was acceptable. At the same time it was observed that the bulk of the proposal (albeit height-compliant), secondary setback (also compliant) to Salvado Street and replacement of one dwelling with two (as permitted) would alter the streetscape.

Mr Jackson commented that from experience the overall development on the small lots would in reality tend to look smaller than appears on the plans and that a palette of external materials in typical Cottesloe colours (eg limestone) would soften the visual presence of the buildings. The verge trees and vegetation were also important in this respect and Cr Dawkins supported the related condition accordingly.

Committee queried condition (e) regarding boundary walling/screening and requested preferably greater certainty of the intended solutions, which the MDS and application undertook to respond to for full Council.

## **1.2 OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Birnbrauer, seconded Cr Dawkins

**That Council:**

- (1) GRANT its Approval to Commence Development for a pair of two-storey dwellings, each with a swimming pool and street boundary fencing, at No. 15 (Lot 54) Salvado Street, Cottesloe, in accordance with the revised plans submitted 11 July 2008, subject to the following conditions:**
  - (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
  - (b) Stormwater runoff from the driveway and any other paved portion of the site shall not be discharged onto any street reserve, right-of-way or adjoining property, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be shown in the building licence plans.**
  - (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture, or otherwise, except with the written consent of Council.**
  - (d) Following completion of the development the roof surface shall be treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours.**
  - (e) Full details of the western and southern boundary walls and screening shall be submitted in revised plans as part of the Building Licence application to ensure adequate privacy to those adjacent properties, to the satisfaction of the Manager Development Services. The materials, finish and colour of all boundary retaining walls or fencing walls facing these adjacent properties shall be to the satisfaction of the Manager Development Services.**
  - (f) All street (verge) trees shall be retained and protected at all times during the demolition and development (and the associated subdivision) and are not permitted to be affected or damaged by the stockpiling of building materials. All other verge vegetation shall be retained and protected as much as is possible during the demolition and development (and the associated subdivision) and where damaged or lost shall be fully rehabilitated or replaced. This condition shall be reflected in a Construction Management Plan submitted as part of the Building Licence application.**
  - (g) Air-conditioning plant and equipment shall be located closer to the proposed dwellings than the adjoining dwellings, and suitably**

housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.

- (h) The pool pumps and filters shall be located closer to the proposed dwellings than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
  - (i) Wastewater or backwash water from the swimming pool filtration systems shall be contained within the boundary of the property on which each swimming pool is located and disposed of into adequate soakwells. Swimming pool wastewater or backwash water shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
  - (j) For each swimming pool a soakwell system shall be installed in its property to the satisfaction of the Environmental Health Officer, with a minimum capacity of 763 litres and shall be located a minimum of 1.8 metres away from any building or boundary.
  - (k) All front setback boundary fencing shall be of an open-aspect design in accordance with Council's Fencing Local Law. Adjacent to the swimming pool the design of the fence must also comply with Australian Standard 1926.1 for swimming pool barriers. The applicant should liaise with the Planning Department to fulfil this condition.
  - (l) Prior to the issue of a Demolition Licence a full photographic record of the existing dwelling externally and internally shall be submitted to the Town, to the satisfaction of the Manager Development Services.
- (2) Advise submitters of Council's decision.

Carried 6/0



**ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**

Cr Birnbrauer enquired about the delegated DA proposal for rear and side boundary walling at 210 Broome Street. Officers explained that the proposal appeared satisfactory to the site and appropriate under delegation but undertook to check on the concern raised by Cr Utting.

**MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:05 pm.

*CONFIRMED: PRESIDING MEMBER* \_\_\_\_\_ *DATE: .../.../...*